

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE GENERAL HOSPITAL
CORPORATION and DANA-FARBER
CANCER INSTITUTE, INC.,

Plaintiffs,

v.

ESOTERIX GENETIC LABORATORIES,
LLC and LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

CASE NO. 18-cv-11360-IT

**THIRD-PARTIES QIAGEN INC. AND QIAGEN MANCHESTER LTD.'S
EMERGENCY MOTION FOR TELEPHONIC PARTICIPATION**

Pursuant to Local Rule 7.1, Third-Parties QIAGEN, Inc. and QIAGEN Manchester, Ltd. (collectively "QIAGEN"), respectfully move that QIAGEN's lead counsel Robert Baron and Tyler Marandola, of the law firm Ballard Spahr LLP, 1735 Market Street, 51st Floor, Philadelphia, Pennsylvania, be allowed to appear telephonically at today's hearing regarding sealing issues in the above referenced matter (D.E. # 71). In support of this motion, QIAGEN states as follows:

1. Today, on October 26, 2018, this Court entered an electronic order stating that the Court's previously scheduled hearing on the pending motions to dismiss and for summary judgment, scheduled for 2:30 p.m. today, would be limited to addressing "sealing issues" in the present matter. D.E. # 71.

2. QIAGEN is not currently a party to this matter and did not learn of today's hearing topic until informed by another party to this action only hours ago.

3. Robert Baron and Tyler Marandola of Ballard Spahr LLP served as lead counsel to QIAGEN in a prior matter before this Court, Civil Action No. 14-cv-13228-ADB. The sealed documents which, upon information and belief, contain QIAGEN's confidential and proprietary trade information were generated in connection with that prior case. Their participation on behalf of QIAGEN is necessary to protect QIAGEN's interests in its proprietary, confidential information.

4. Attorneys Baron and Marandola are prepared to participate telephonically in today's hearing and can be reached on Attorney Baron's direct line at 215-864-8335.

4. WHEREFORE, QIAGEN respectfully requests that this motion be granted, and that QIAGEN's lead counsel be allowed to participate by phone in today's hearing as noted in the Court's October 26, 2018 Electronic Order (D.E. # 71).

Dated: October 26, 2018

QIAGEN Inc., and QIAGEN Manchester, Ltd.,
By their attorneys,

Fitch Law Partners LLP

/s/ Ryan M. Cunningham

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Ryan M. Cunningham, counsel for QIAGEN, hereby certify that due to the emergency nature of the motion, counsel for QIAGEN has not been able to obtain the assent or not of counsel for Plaintiffs and Defendants.

/s/ Ryan M. Cunningham

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be filed through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants on October 26, 2018.

/s/ Ryan M. Cunningham

Ryan M. Cunningham